

## Confrontation at the Fever River Lead Mining District

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# Confrontation at the Fever River Lead Mining District

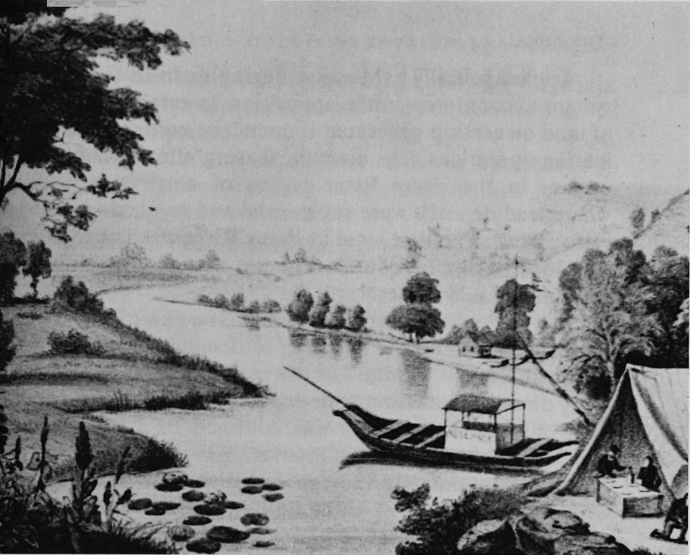
Joseph Montfort Street vs.  
Henry Dodge, 1827-1828\*

Ronald Rayman

FRONTIER LEAD MINERS COMPRISED A VANGUARD GROUP which stimulated the development and settlement of the Upper Mississippi River Valley early in the nineteenth century. Motivated by rich, surficial lead deposits, miners endured personal hardship and overcame primitive mining skills in their prospecting efforts. These miners routinely encroached on Indian lands, disregarding "inviolable" treaties which theoretically guaranteed the Indian's territorial sovereignty to perpetuity. The federal government, plagued by a meagre, over-extended military force and reflecting an ambivalent, half-hearted commitment to honor its treaty obligations, generally ignored instances of white trespass on Indian lands. The enforcement of treaty provisions commonly devolved to federally appointed, civilian Indian agents who struggled to uphold Indian territorial rights as mandated by their office.

In a classic case of aborted enforcement, Winnebago Indian Agent Joseph Montfort Street confronted lead miner Henry Dodge. Although the latter's occupation and mining of

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*Early view of the Fever River, by Henry Lewis*

Winnebago lands was clearly illegal, governmental indifference over the enforcement of Winnebago treaty provisions would ultimately foil Agent Street's repeated efforts to evict Dodge, thereby strengthening and perpetuating a disregard for Indian territorial sovereignty.

Lead deposits were known in the Upper Mississippi River Valley as early as 1658. Worked sporadically by Indians and a handful of whites, most notably Julien Dubuque in present-day Iowa, those deposits gained importance following the Louisiana Purchase in 1803, and the accompanying acquisition of lead-rich lands in Missouri. Congress enacted regulatory legislation in March, 1807, which reserved all regional lead lands from sale and established a leasing system for American lead lands. The law provided for a superintendent of lead mines to oversee leasing and mining operations. A royalty of 10 % was to be levied on all lead extracted under the system.<sup>1</sup>

<sup>1</sup>Walter Renton Ingalls, *Lead and Zinc in the United States* (New York: Hill Publishing Company, 1908), vii-viii, 119-121; James E. Wright, *The Galena Lead District, Federal Policy and Practice, 1824-1847* (Madison: The State Historical Society of Wisconsin for the Department of History, University of Wisconsin, 1966), 6-7.

Applied initially to Missouri beginning in 1807, the leasing system encountered bitter opposition as established patterns of land ownership generated tremendous confusion, crippling leasing operations.<sup>2</sup> As a result, leasing efforts were directed upriver to the Fever River region of northwestern Illinois where lead deposits were substantial and ownership questions were absent. The first lease at Fever River was issued in January, 1822. Army Lt. Martin Thomas was appointed Superintendent of Lead Mines.<sup>3</sup>

The lead mining district straddled the Fever River along its entire length. With the fledgling settlement of Galena serving as the unofficial "capital" of the region, miners spread out in every direction, pressing their dogged search for the gray ore.<sup>4</sup> Lead mining theoretically was confined to a reserve whose boundaries encompassed a district "five leagues square," an area of approximately 225 square miles. The district existed within the territory of three Indian tribes—Ottawa, Chippewa, and Pottawattamie—as set aside by treaty in 1816. Those tribes gradually abandoned their lands, which were wedged between the Wisconsin and Rock Rivers in a strip forty miles wide paralleling the Mississippi, as the miner population mushroomed. Winnebago Indian territory bordered the Ottawa, Chippewa, and Pottawatamie lands, commencing some twenty miles east of the Fever River district and continuing to the Great Lakes.<sup>5</sup>

Miners streamed to the "diggings" from Illinois, Kentucky, Missouri and Tennessee.<sup>6</sup> From April, 1826, to July of that

<sup>2</sup>Wright, *The Galena Lead District*, 10-12. The situation grew so completely confused and acrimonious in Missouri that all state lead lands were eventually offered for sale in 1829 and the entire leasing system was abandoned in 1846; *Senate Documents*, 29 Congress, First Session, ser. 473, document 87. The history of lead mining in Missouri is discussed at length in Henry Rowe Schoolcraft's *A View of the Lead Mines of Missouri* (New York: Charles Wiley and Company, 1819).

<sup>3</sup>American State Papers: Public Lands, 3:564-565. The lead mining district encompassed portions of southwestern Wisconsin and northwestern Illinois. Mines across the Mississippi in the area of Julien Dubuque's early diggings were small by comparison to those at the Fever River district. The river was later renamed the Galena River.

<sup>4</sup>J. M. Peck, *A Gazetteer of Illinois, In Three Parts* (Philadelphia: Grigg and Elliot, 1837), 200. The town was formally named in 1827, the name being derived from a type of lead-bearing ore; Ingalls, *Lead and Zinc in the United States*, 128.

<sup>5</sup>Charles J. Kappler (ed. and comp.), *Indian Affairs. Laws and Treaties*, 2 (Washington, D.C.: U.S. Government Printing Office, 1904), 132-133, 250-255.

<sup>6</sup>Reuben Gold Thwaites, "Notes on Early Lead Mining in the Fever (or Galena) River Region," *Wisconsin Historical Society Collections*, 13 (1895), 329-330.



same year, miner numbers increased from 287 to 441 souls. The volume of mining permits issued jumped from 194 to 453 during the same period.<sup>7</sup>

Newly-arrived miners often were veterans of other diggings, hard-bitten and resolute men who dreamed of great wealth. One miner remembered:

So intent were the newcomers on making money by mining, that they could not take time to erect . . . even a comfortable dwelling place. Instead of houses, they usually lived in dens or caves; a large hole or excavation being made into the side of a hill or bluff, the top being covered with poles, grass and sods.<sup>8</sup>

A newspaper reported: "There is a great number of people here, and business in this place is very lively."<sup>9</sup>

Lead smelting increased dramatically. Production for 1825 amounted to 332 tons, a figure which ballooned to 2590 tons in 1827.<sup>10</sup> Lead prices reached \$4.50 per hundredweight in 1827, but declined to less than one-half that amount in 1829 as abundant lead supplies drove the price downward.<sup>11</sup>

Inevitably, the enforcement of lead district boundaries proved impossible. Avaricious miners crossed indiscriminately and illegally onto Winnebago lands, and rarely heeded official commands to desist. Similar encroachments had occurred in other areas with nearly identical results. In March, 1809, a military force drove several hundred white families off of

<sup>7</sup>*History of Jo Daviess County, Illinois* (Chicago: H. F. Kett and Company, 1878), 265; *American State Papers: Public Lands*, 3:800.

<sup>8</sup>Daniel M. Parkinson, "Pioneer Life in Wisconsin," *Wisconsin Historical Society Collections*, 2 (1856), 332. Many fascinating personal accounts of this period have been left by the mining pioneers. See Esther E. Eby, "Once Glorious Galena," *Illinois State Historical Society Journal*, 30 (1937), 171-179; D. J. Gardner, "Incidents in the Early History of the Wisconsin Lead Mines," *Wisconsin Magazine of History*, 6 (September, 1922), 42-48; James H. Lockwood, "Early Times and Events in Wisconsin," *Wisconsin Historical Society Collections*, 2 (1856), 98-196; Moses Meeker, "Early History of the Lead Region of Wisconsin," *Wisconsin Historical Society Collections*, 6 (1872), 271-296; Theodore Rodolph, "Pioneering in the Wisconsin Lead Region," *Wisconsin Historical Society Collections*, 15 (1900), 338-389; and Alice L. Snyder, "Galena, Looking Backward," *Illinois State Historical Society Journal*, 25 (1932), 108-118.

<sup>9</sup>"Letter From Fever River Mines" in the *Illinois Reporter* (Kaskaskia), May 16, 1827, 3, col. 3. The *Galena Miner's Journal* boasted the following year (September 20, 1828, 2, col. 3) that the lead district contained "already a hundred thousand souls," a highly inflated estimate. See also Ann Keppel, "Civil Disobedience on the Mining Frontier," *Wisconsin Magazine of History*, 41 (Spring, 1958), 185-195.

<sup>10</sup>Ingalls, *Lead and Zinc in the United States*, 124. Ordinance Bureau figures placed 1827 production at 5,182,180 pounds; *Senate Documents*, 21 Congress, First Session, ser. 192, document 1.

<sup>11</sup>Joseph Schafer, *The Wisconsin Lead District* (Madison: The State Historical Society of Wisconsin, 1932), 42.

Chickasaw and Cherokee lands in Georgia, Alabama, and Mississippi, but the settlers returned soon after the military's departure. Likewise, Indian lands north of the Ohio River were overrun after 1800 by white settlers who resisted repeated attempts to discourage them. In the Fever River country, Superintendent Thomas discovered disturbingly similar circumstances, but prophetically surmised that the prospect of wealth presented "strong temptations to the miners."<sup>12</sup>

Henry Dodge was such a miner. Born at Vincennes, Indiana, on October 12, 1782, Dodge grew up in Missouri's lead mining country. In 1805, he succeeded his father, Israel Dodge, as sheriff of the Ste. Genevieve district, a position he held until 1821. Advancing rapidly to the rank of major-general in the Missouri militia, Dodge served in the War of 1812, returning to Missouri and lead mining at war's end. By 1827, Fever River production had seriously damaged Dodge's Missouri mining interests. Acutely aware of the new field's potential, Dodge emigrated to Galena in March, 1827, with his wife, nine children, and a family of Negro slaves.<sup>13</sup>

Dodge reached Galena in June or early July, 1827. He promptly launched an initial prospecting effort near Galena which proved fruitless.<sup>14</sup> In July, 1827, an Indian uprising, the so-called Winnebago War, disrupted mining activities and threw the region into absolute panic. Ostensibly sparked by the rape of several Winnebago women by rough Mississippi River keelboatmen, miner trespass on Winnebago lands provoked the disturbance.<sup>15</sup> Fighting was negligible as fear spread among the far-flung miners. Most hastily abandoned

<sup>12</sup>*American State Papers: Public Lands*, 3:347-349.

<sup>13</sup>Schafer, *The Wisconsin Lead District*, 50-52; "Henry Dodge," *National Cyclopaedia of American Biography*, 4:72; and J.C.P. (John C. Parrish), *Dictionary of American Biography*, 5:348-349. The major biographical work on Dodge is Louis Pelzer's *Henry Dodge* (Iowa City: The State Historical Society of Iowa, 1911), 28-30, 213-214. Pelzer drew in some detail from William Salter, "Henry Dodge," *Iowa Historical Record*, 5 (1889), 337-361. Dodge was later Governor of Wisconsin Territory (1836-1841 and 1845-1848), and a senator from the state of Wisconsin (1848-1857).

<sup>14</sup>Pelzer, *Henry Dodge*, 213-214. Dodge was well-established in Galena, by July 24, 1827, as his name appears on a list of jurors selected for the first grand jury chosen at Galena; *History of Jo Daviess County*, 298.

<sup>15</sup>Frederick Gerhard, *Illinois As It Is* (Chicago: Keen and Lee; Philadelphia: C. Desilver, 1857), 62-63; *History of Jo Daviess County*, 267; Pelzer, *Henry Dodge*, 46; and James A. Wilgus, "The Century Old Lead Region in Early Wisconsin History," *Wisconsin Magazine of History*, 10 (1927), 403.

their diggings and fled to Galena where a company of 130 mounted volunteers was raised to subdue the Winnebago. Dodge was chosen to lead the volunteers under General Henry Atkinson's command.<sup>16</sup>

Dodge pursued the shadowy Winnebago hostiles northeast along the Wisconsin River, penetrating deep inside Indian territory. Few Winnebago were engaged and the "war" ended in September as abruptly as it had begun. Casualties on both sides were few.<sup>17</sup>

Ironically, the Winnebago War presented Dodge with a fortuitous opportunity. While chasing the elusive Winnebago near the Wisconsin, Dodge stumbled upon the richest lead lands in the entire mining country. With the war soon over, Dodge returned to Winnebago territory. Ignoring the illegality of mining there, Dodge embraced his own opportunity to "strike a lead" and commenced mining on November 3, 1827; a smelter was constructed shortly thereafter. Miners rushed to join Dodge, appropriately dubbing the spot "Dodge's Diggings."<sup>18</sup>

Winnebago Indian Agent Joseph Montfort Street took careful note of Dodge's activities. Appointed as the Winnebago agent on August 8, 1827, Street assumed his official duties at the Prairie du Chien agency in October, steadfastly determined to uphold the treaty—guaranteed sovereignty of Winnebago lands.<sup>19</sup>

Prairie du Chien was far-removed from Lunenburg, County, Virginia, where Street was born on December 18,

<sup>16</sup>Margaret S. Carter, *New Diggings on the Fever, 1824-1860* (n.p., 1959), 8; Clarence Edwin Carter (comp.) *The Territorial Papers of the United States*, 11 (Washington, D.C.: U.S. Government Printing Office, 1934-1969), 1093-1097; *Illinois Reporter*, August 15, 1827, 3, col. 4; Pelzer, *Henry Dodge*, 41-42; Salter, "Henry Dodge," 350; William Henry to Superintendent Martin Thomas, July 4, 1827, National Archives and Records Service, Record Group 49, Records of the General Land Office Relating to the Leasing and Operation of Lead Mines, roll one (Unpagged microfilm copy held by the Wisconsin Historical Society. Hereinafter cited as GLO Records).

<sup>17</sup>John T. Kingston, "Early Western Days," Wisconsin Historical Society *Collections*, 7 (1876), 317; Thomas L. McKenney, "The Winnebago War," Wisconsin Historical Society *Collections*, 5 (1867), 178-204; Moses M. Strong, "The Indian Wars of Wisconsin," Wisconsin Historical Society *Collections*, 8 (1879), 241-286; and William Thomas, "The Winnebago 'War' of 1827," Illinois State Historical Society *Occasional Papers*, 12 (1908), 265-269.

<sup>18</sup>Ebenezer Childs, "Recollections of Wisconsin Since 1820," Wisconsin Historical Society *Collections*, 4 (1859), 181; Pelzer, *Henry Dodge*, 31; and Salter, "Henry Dodge," 349-350.

<sup>19</sup>James Barbour to Joseph Montfort Street, August 8, 1827, National Archives and Records Service, Record Group 75, Records of the Bureau of Indian Affairs, Letters Sent, 1824-1881, Series M21 (paged microfilm copy), roll four, 105-106. Hereinafter cited as Letters Sent.

*Joseph Montfort Street*

1782, the son of a prosperous farmer. In 1805, Street walked to Frankfort, Kentucky, where he began publishing the newspaper *Western World* in July, 1806, with partner John Wood. Serious allegations in *Western World* condemned charismatic Aaron Burr's western intrigues, forcing Burr to appear before a grand jury twice in 1806 to answer those charges. Street's journalistic attacks on Burr and other prominent Kentuckians forced his sale of the newspaper in 1809. Street's fortunes continued to decline and in 1812, he migrated to Shawneetown, Illinois, with his wife and the first of their fourteen children. At Shawneetown, Street gained local prominence, holding at various times the positions of postmaster, clerk of court, and brigadier-general in the local militia. The last resulted in his being called "General" Street for the remainder of his life, a titular honor he enjoyed immensely.<sup>20</sup>

<sup>20</sup>"Joseph Montfort Street," *National Cyclopedia of American Biography*, 13:56-57; K. E. C. (Katherine Elizabeth Crane), "Joseph Montfort Street," *Dictionary of American Biography*, 18:136-137; George Wilson, "General Joseph Montfort Street, A Neglected Kentucky Hero,"

Street immediately launched himself into agency business, resolved to comprehend every facet of Winnebago affairs. He quickly ascertained that the Winnebago, who numbered between 900 and 1000 braves, were still "greatly discontented with our people and dissatisfied with the conduct of our Government in relation to the lead mines." Winnebago visitors to the Prairie du Chien agency told of wholesale violations of their lands by trespassing miners. Street succinctly reported on November 15, 1827: "The mining operations (sic) at Fever River have extended East of the line . . . [see Street map of Fever River region] between the Ottawas and the Winnebagoes, some distance into the Winnebago country."<sup>21</sup> Miner transgressions were stimulated by the "rage for mining which seems to have operated (sic) upon the whites last summer, as [permits] were obtained and diggings commenced, and pursued (sic) with great success without any regard to this line."<sup>22</sup>

Street excoriated Superintendent Thomas for compounding the problem. Thomas had issued mining permits indiscriminately, indirectly sanctioning widespread mining over the boundary line into Winnebago territory.<sup>23</sup> Pressured by rising numbers of Winnebago complaints, Thomas attempted to restrain the recalcitrant miners, but without success.<sup>24</sup>

Street deplored the miners' brash, headlong conduct, believing their intransigence exemplified undesirable white traits

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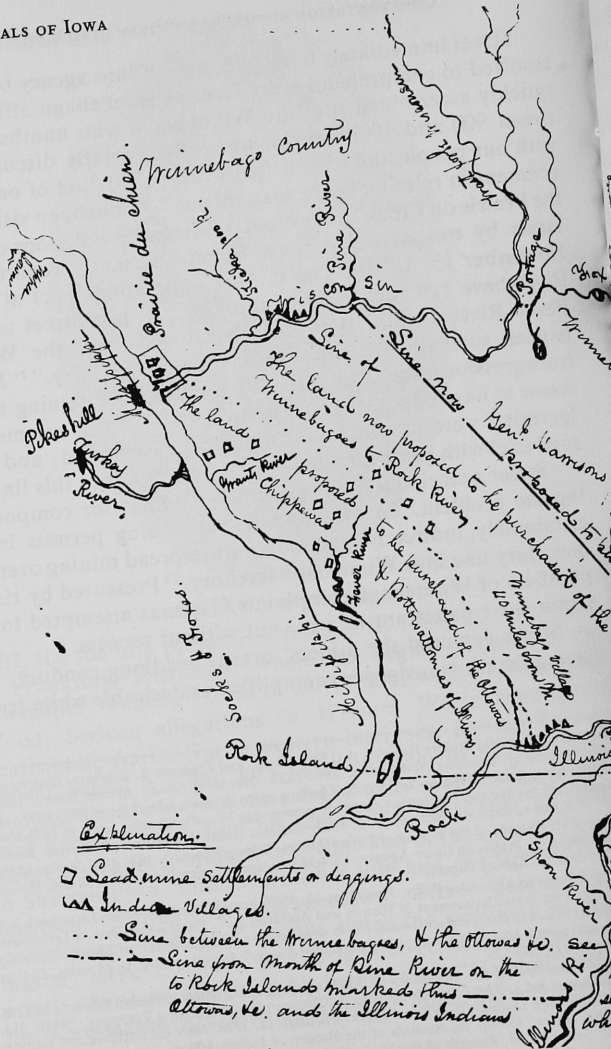
Kentucky Historical Society *Register*, 4 (1906), 21-26; and Clarence S. Brigham, *History and Bibliography of American Newspapers, 1690-1820*, (Hamden, Conn.: Archon Books, 1962), 1:156. Street later served as Sac and Fox Indian agent at Rock Island from 1835-1837, and established the Sac and Fox Indian agency in present-day Wapello County, Iowa, in 1838-1840.

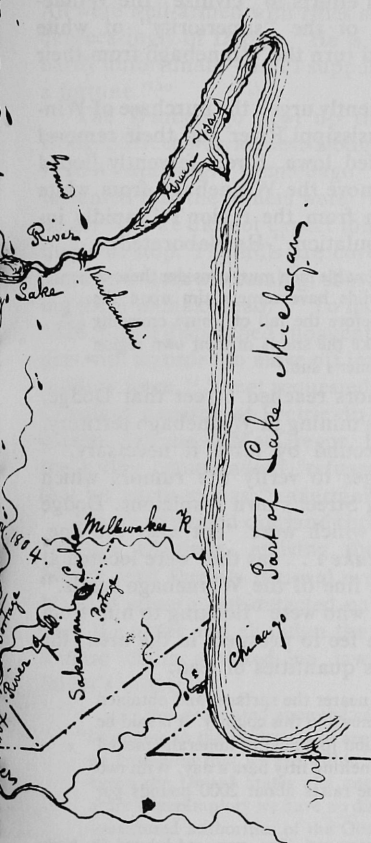
<sup>21</sup>Street to Barbour, November 15, 1827, National Archives and Records Service, Record Group 75, Records of the Bureau of Indian Affairs, Letters Received, 1824-1881, Series M234, Records of the Prairie du Chien Agency, 1824-1833 (unpaged microfilm copy), roll 696. Hereinafter cited as Agency Papers.

<sup>22</sup>Street to Alexander Posey, December 11, 1827, Joseph Montfort Street Letterbook held by the Iowa State Department of History and Archives, p. 7. Hereinafter cited as Letterbook. Street's letters to Posey reflect frontier life in vivid detail; see Joseph Montfort Street, "Letters of General Joseph Montfort Street to Dr. Alexander Posey," *Annals of Iowa*, third series, 12 (January, 1921), 533-539.

<sup>23</sup>Street to Barbour, November 15, 1827, Agency Papers; Street to Ninian Edwards in E. B. Washburne (ed.), *The Edwards Papers*, 3 (Chicago: Fergus Printing Company, 1884), 313; Subagent John Connolly to William Clark, February 12, 1828, National Archives and Records Service, Record Group 75, Records of the Bureau of Indian Affairs, Letters Received, 1824-1881, Series M234, Records of the St. Louis Superintendency, 1827-1828 (unpaged microfilm copy), roll 748. Hereinafter cited as Superintendency Papers.

<sup>24</sup>Thomas "Circular to Miners and Smelter" of October 1, 1827, in *History of Jo Daviess County*, 268; Thomas to Subagent Thomas Knight, September 21, 1827, GLO Records.





August 1816.  
 made the canal purchase of the line from Michigan  
 of 1816. This includes the proposed purchase from the Winnebago,  
 South East of Rock River, to the line from the Lake to Rock Island.

Map of lead mining region drawn by Joseph Street, November 15, 1827  
 (National Archives Record Service, Record Group 75).

which would hamper his own efforts to "civilize" the Winnebago. Only demonstrations of the "superiority" of white society, Street believed, would turn the Winnebago from their nomadic life-style.<sup>25</sup>

To this end, Street consistently urged the purchase of Winnebago lands east of the Mississippi River and their removal west of the river into unsettled Iowa. Street fervently hoped that vast purchase would remove the Winnebago from white proximity and insulate them from the region's "rapidly increasing and industrious population." He elaborated:

I cannot doubt that all reasonable men must consider these so unhappy wanderers of the wilds have some claim upon the philanthropy of the nation before the fall of whose crowding population they are melting like the snows of their own region before the rays of the midsummer's sun.<sup>26</sup>

By December, 1827, rumors reached Street that Dodge, with sixty or seventy men, was mining in Winnebago territory, "resolved to sustain (his) ground by force if necessary."<sup>27</sup> Street dispatched a messenger to verify the rumors which proved to be true, confirming Street's own suspicions. Dodge exploited extensive diggings which were "not *near* the line, and cannot be *deemed a mistake* . . . [as they were located at least] thirty miles within the line of the Winnebago lands."<sup>28</sup> Worked by Dodge and others who were "flocking to him from Fever River" and paid him a fee to prospect in the area, the mines yielded up tremendous quantities of lead:

The ore is more abundant, nearer the surface, and obtained with greater facility than ever known in this country. It is said he [Dodge] has raised half a million [pounds] of mineral, smelted from 900 to 1000 bars, and is smelting fifty bars a day. With two negro (sic) men in one place he raises about 2000 pounds per day.<sup>29</sup>

<sup>25</sup>Street felt the miners were, for the most part, "low, gross, and behaved like blackguards." Street to Edwards, November, 1827, in the *Edwards Papers*, 313. The miners frequently abused the Winnebago, particularly the women, whom they sometimes took as squaws "to the utter shame and disgust of the normal portions of society here." Street to Barbour, January 8, 1828, Agency Papers.

<sup>26</sup>Street to Posey, December 12, 1827, Letterbook, p. 8. Street believed that the Winnebago could be relocated west of the Mississippi River. For an excellent treatment of this subject see L. P. Kellogg, "Removal of the Winnebago," Wisconsin Academy of Sciences, Arts, and Letters *Transactions*, 21 (1924), 23-29.

<sup>27</sup>Street to Clark, December 10, 1827 (official copy), Superintendency Papers.

<sup>28</sup>Street to Barbour, January 8, 1828, Agency Papers; Street to Clark, January 15, 1828 (official copy), Superintendency Papers.

<sup>29</sup>Street to Clark, January 15, 1828. Superintendent Papers.



All were well-armed with rifles and ammunition. Street wrote deprecatingly of Dodge: "He is, *I think*, a *good man*—peculiarly unfortunate—and I suppose, making a 'bold stroke' for a fortune."<sup>30</sup>

The Winnebago kept up their bitter complaints about Dodge; Street worried lest Dodge's presence provoke another Indian uprising. Winnebago chief Carumna the Lame lamented that the miners were "taking lead where it is easy to be got . . . we did not expect this, and we want to know when they will stop. The hills are covered with them (miners) and more and more are coming, shoving us off our lands, and taking them to make lead."<sup>31</sup> To halt the miners, on January 26, 1828, Street dispatched subagent John Marsh to Dodge's Diggings with an order to move off immediately or face removal by military force.<sup>32</sup> Street requested a troop escort from the Fort Crawford garrison at Prairie du Chien, (located opposite the present-day site of MacGregor, Iowa) but Major John Fowle, the acting commandant, refused the requisition, protesting that his garrison was "undermanned."<sup>33</sup>

Marsh struggled overland through bitter winter weather to Dodge's Diggings, arriving there around February first. Marsh read Street's removal order to Dodge and an assemblage of miners, but detected no inclination on either part to heed the order and abandon the diggings. Dodge insisted his mining claim violated no laws, haughtily declaring that Street's order:

. . . was predicated upon the assumption that we are on land belonging to the Indians—we are not satisfied by any evidence we have seen that we are within any boundary established between the United States and any Indian tribe, but seeing the order is peremptory we have no disposition to set at defiance the constituted authorities of the Government [and] we assure you that we will leave this place as soon as we can safely remove.<sup>34</sup>

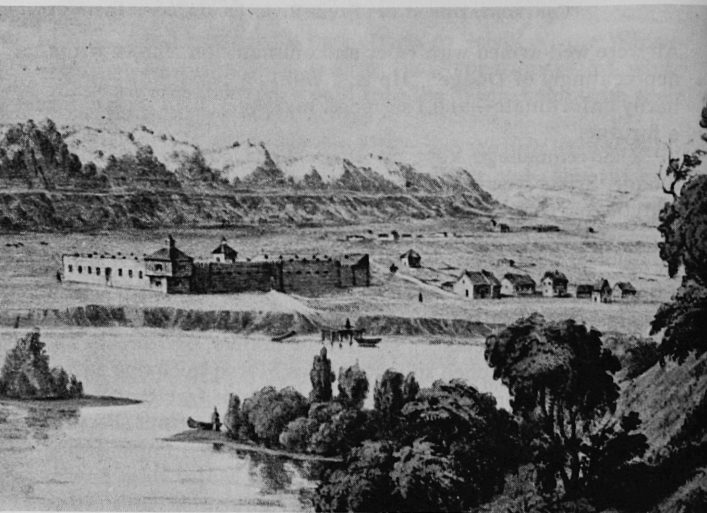
<sup>30</sup>Street to Barbour, January 15, 1828, Agency Papers.

<sup>31</sup>Street to Clark, January 26, 1828 (official copy), Superintendency Papers.

<sup>32</sup>Ibid.; Street to Lawrence Taliaferro, January 27, 1828, in the Lawrence Taliaferro Papers, 1813-1868, held by the Minnesota Historical Society (unpaged microfilm copy), roll one. Hereinafter cited as Taliaferro Papers. Taliaferro was Indian agent for the Sioux at the St. Peter's Agency in present-day Minnesota. See G. L. N. (Grace Lee Nute) in the *Dictionary of American Biography*, 18:283.

<sup>33</sup>Street to Major John Fowle, January 24, 1818 (official copy), Superintendency Papers; Street to Clark, January 26, 1828, Agency Papers.

<sup>34</sup>Marsh to Street, February 7, 1828 (official copy), Superintendency Papers; Connolly to



*Prairie du Chien in 1830, by Henry Lewis*

Dodge's reply was hollow, indeed. He had no intention of leaving his rich "Diggings."

Marsh formally reported his finding to Street on February 7, 1828. Although Dodge adamantly maintained that he was not even on Winnebago lands, he had negotiated personal "agreements" with the tribe which supposedly legitimized his valuable mining claim.<sup>35</sup> Street viewed Dodge's Winnebago dealing as patently illegal. Only agents of the federal government could conduct legitimate negotiations with the Indians. Dodge's "agreements" were, in truth, negotiated with but a few Winnebago living near his mining operations.

Marsh confirmed the richness of the operations: "The ore is found in great abundance, near the surface of the ground, and in very large masses. Few of the excavations are more than ten feet deep. The whole country appears to be literally full of land ore, and the cost of obtaining it is trifling indeed." Marsh's report sounded an ominous note, however:

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Clark, February 12, 1828, and Henry Dodge to Connolly, February 12, 1828, both in Agency Papers.

<sup>35</sup>Marsh to Street, February 7, 1828, Superintendency Papers; Street to Barbour, January 8, 1828, and Connolly to Atkinson, February 12, 1828 (official copy), both in Agency Papers.

Gen Dodge resides in a small stockade fort near the principal mine. There are about twenty log houses in the vicinity, besides several more remote. He [Dodge] has a double furnace in constant operation, and a large quantity of lead in bars and in the crude state. From the best information I have been able to obtain, there are about 130 men engaged in mining at this place, and completely armed with rifles and pistols.<sup>36</sup>

Notwithstanding his agreements with the Winnebago, Dodge viewed the Indians apprehensively. A traveler journeying through the area early in 1828 found:

. . . his [Dodge's] cabin surrounded by a formidable stockade, and the miners liberally supplied with ammunition. The Winnebago had threatened the little colony, and were displaying an ugly disposition. Dodge entertained us in his cabin, the walls of which were covered with guns. He said that he had a man for every gun, and would not leave the country unless the Indians were stronger than he.<sup>37</sup>

Street was outraged. He fumed at Dodge's blithe treatment of the removal order, an order violated even as Dodge mined his claim. A host of miners, including Dodge, openly and defiantly violated the treaty-guaranteed reserve of "five leagues square" as "ten times that amount (was) occupied and much of it worked."<sup>38</sup>

Nevertheless, Street detected a single redeeming feature of Marsh's excursion—Marsh had discovered a passable, advantageous route to the diggings. Convinced that military strength alone would uproot the miners, Street planned to secure a military detachment from Fort Crawford, retrace Marsh's route, and swoop down on the unsuspecting miners, effecting a complete surprise, and hopefully avoiding "the shedding of blood between white men on Indian lands."<sup>39</sup>

Sobered by Marsh's revelations, Street once again requested a detachment from Fort Crawford to enable him to "seize the trespassers and their property."<sup>40</sup> He obliquely admitted to Major John Fowle that "General Dodge's residence is enclosed with a strong stockade fort [and] adjacent

<sup>36</sup>Marsh to Street, February 7, 1828.

<sup>37</sup>Morgan L. Martin, "Narrative of Morgan L. Martin," *Wisconsin Historical Society Collections*, 11 (1888), p. 397; also in Pelzer, *Henry Dodge*, 214-215.

<sup>38</sup>Street to Clark, February 7, 1828 (official copy), Superintendency Papers.

<sup>39</sup>Ibid.

<sup>40</sup>Street to Barbour, February 17, 1828, Agency Papers.

log buildings . . . present also a strong line of redoubts . . . that might be rendered formidable to a party sent to remove them." The harsh winter weather also posed a serious obstacle, but Street felt "constrained" to request 180 troops to "seize the trespassers."<sup>41</sup>

Fowle again refused Street's request for troops, informing Street that of the 147 soldiers stationed at the garrison, only 130 were "fit for duty." The major explained that granting even half of Street's request would leave the fort undermanned, and he was unable to spare the men. Fowle made no mention of the severe weather or the strong, defensive fortifications at Dodge's Diggings.<sup>42</sup>

Furious at the army's apparent "cowardice," Street contemptuously condemned the Fort Crawford garrison:

The soldiers here are the most drunken, dissipated, and abandoned scoundrels I have ever seen. Hogs, pigs, turkeys, and etc. are frequently stolen from the citizens (with) scenes of drunken revelry more becoming to savages than the military man.<sup>43</sup>

Street fared as badly with the miners. While Dodge was universally hailed as the "miners' hero," Street feared for his personal safety at the miner's hands.<sup>44</sup> Street wrote Lawrence Taliaferro on March 3, 1828, that he had ruefully abandoned an excursion downriver to St. Louis. The Mississippi had frozen over, preventing river travel, and an overland journey would have necessitated travel through the mining district where Street believed he would have been "instantly arrested . . . and perhaps compelled to remain some time at the most disagreeable place I was ever at."<sup>45</sup>

The military's refusal to aid Street imposed an uncertain stalemate in the dispute. William Clark, superintendent of Indian affairs for the western district headquarters at St. Louis, reported to the War Department on March 20, 1828, that Agent Street had pursued a "prompt and decisive course [of

<sup>41</sup>Street to Fowle, February 7, 1828 (official copy), Superintendency Papers.

<sup>42</sup>Fowle to Street, February 7, 1818 (official copy), Superintendency Papers.

<sup>43</sup>Street to Taliaferro, February 14, 1828, Taliaferro Papers.

<sup>44</sup>Dodge to Austin Wing, February 10, 1829, and Dodge to voters upon his election to the Fifth Legislative Council of Michigan Territory, August 8, 1831, both in the Henry Dodge Papers, Iowa State Historical Department, Division of Historical Museum and Archives.

<sup>45</sup>Street to Taliaferro, March 3, 1828, Taliaferro Papers.

action] . . . to induce the intruders to remove from Indian lands," but explained nothing of the deadlocked situation. Dodge had visited Clark in St. Louis several days earlier, still refusing to admit that he was in Winnebago country. Street possessed no authority to order his removal, Dodge insisted, and clearly indicated that he intended to remain on his diggings. Contrary to his earlier promise, Dodge had not "moved off as early as the season [would] allow." In reality, more and more miners had joined Dodge. Clark estimated that 6,000 to 8,000 miners would inundate the Fever River district by the end of 1828, many prospecting near Dodge's Diggings. Clark, obviously hesitant to antagonize the white miners and perhaps force a pitched battle to dislodge them, demured: "It may require a considerable display of force to remove them."<sup>46</sup>

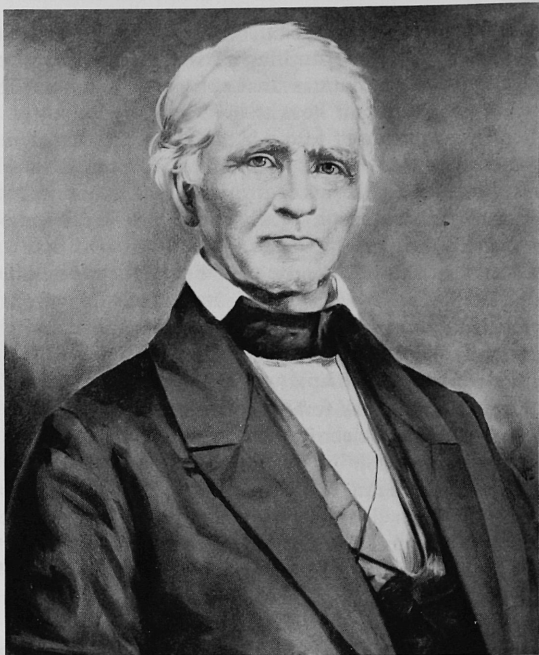
The stalemate was finally broken in June of 1828. Clark, anxious to forestall a confrontation with Dodge, ordered a formal "re-examination" of Winnebago boundary lines. Amazingly, Dodge's claim was "found to be within the tract of country in which [leases] were to be made, and a lease [was] granted to General Dodge," in effect nullifying Street's enforcement efforts and upholding Dodge's claim at the Winnebago's expense. With the legitimacy of his claim assured, Dodge played the role of model miner. He requested filing instructions for mining and smelting reports as required by leasing regulations, stating that his "rent" for July, 1828 amounted to \$3,438. That rent was based upon the smelter of 343,640 pounds of lead from 719,011 pounds of ore. Applying the standard ten per cent royalty, his gross profit for the month exceeded \$30,000.<sup>47</sup>

Clark chose to ignore Winnebago unrest and wrote that "no other intruders have been reported to me."<sup>48</sup> Contrary to Clark's assertion, the Winnebago were greatly agitated. Lead miners pushed even beyond Dodgeville, as the settlement was called, prospecting to the farthest reaches of Winnebago territory. In the process, miners devoured Winnebago corn crops,

<sup>46</sup>Clark to Barbour, March 20, 1828, Superintendency Papers.

<sup>47</sup>Dodge to Thomas McKnight, August 10, 1828, and September 2, 1828, both in GLO Records.

<sup>48</sup>Clark to Thomas McKenney, June 20, 1828, Superintendency Papers.



*Henry Dodge*

roamed at will across the countryside, and erected log stockades for protection.<sup>49</sup>

No longer threatened by a major confrontation with Dodge, Clark viewed those small enclaves indignantly, determined to expel them. To Street fell the task of removal and he was to be assisted by "an officer and five or six men" from Fort Crawford.<sup>50</sup> The ironic situation was completed when Dodge himself offered up his services "to go with (the) party and cause the whites to leave Indian lands." Superintendent Thomas gratefully accepted the offer. He gave Dodge an official order to accompany Street, but the illegal miners fled be-

<sup>49</sup>Street to Clark, June 21, 1828; William Forsyth to Clark, June 25, 1828; and Clark to Atkinson, July 1, 1828, all in Agency Papers. Also, Henry Gratiot (et. al.) to Thomas, June 28, 1828, and Samuel Whiteside to Thomas, June 29, 1828, both in GLO Records.

<sup>50</sup>Clark to Atkinson, July 1, 1828 (official copy), Agency Papers.

fore Street and his party could reach them.<sup>51</sup> The *Miner's Journal* commented cryptically, if inaccurately: "The miners who were digging on Indian lands, have been ordered to desist, and we understand that they have complied."<sup>52</sup>

That same month, the federal government appointed commissioners to conduct treaty negotiations with the Winnebago.<sup>53</sup> On August 25, 1828, an agreement was reached whereby the Winnebago tentatively agreed to sell their lands east of the Mississippi, and also promised not to molest any miners in their territory. The agreement was formalized by treaty on August 1, 1829, and permanently extinguished Winnebago claims to the mining district. Ironically, both Dodge and Street signed the treaty.<sup>54</sup>

Determined to uphold the mandate of his office, Street labored diligently and passionately to preserve the sovereignty of Winnebago lands, but in the end he failed. White economic enterprise, enhanced by the miner's dream of "striking a lead" and amassing great wealth, inevitably placed Street and Dodge at loggerheads, and Street lost. The refusal of whites, both in and out of government, to uphold ex post facto sanction of Dodge's bogus mining claim, represented a pattern of exploitation, bad faith, and carefully cultivated neglect which would be repeated in the years that followed.

<sup>51</sup>Thomas to Clark, July 7, 1828 (official copy), and Atkinson to Colonel McNeil, Commandant of Fort Crawford, July 7, 1828 (official copy), both in Agency Papers; Clark to Secretary of War Peter Porter, August 2, 1828, Superintendency Papers.

<sup>52</sup>Galena *Miner's Journal*, July 25, 1828, p. 11, col. 1.

<sup>53</sup>*Miner's Journal*, July 1, 1828, p. 3, col. 1; July 22, 1828, p. 1, col. 3; July 25, 1828, p. 1, col. 1; July 29, 1828, p. 3, col. 1, 2, 3; August 9, 1828, p. 3, col. 1; and August 23, 1828, p. 3, col. 1.

<sup>54</sup>Kappler, *Indian Affairs. Laws and Treaties*, 2:292-204, 300-303; *Miner's Journal*, August 25, 1828, p. 2, col. 4, 5.

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